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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,890	12/22/2003	Roger F. Joyce	BIL100037000	1677
22891	7590	10/20/2006	EXAMINER	
DELIO & PETERSON 121 WHITNEY AVENUE NEW HAVEN, CT 06510			KWIECINSKI, RYAN D	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/743,890	<b>Applicant(s)</b> JOYCE ET AL.	
	<b>Examiner</b> Ryan D. Kwiecinski	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-20 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/22/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 recites the limitation "the ends of the arms" in line 13. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,428,925 to Snyder in view of USPN 6,668,487 to Vesey.

Claim 1:

Snyder teaches a polymer composite basement door comprising:

a polymer composite (Column 4 line 38) frame (10, Fig. 1) positioned on a foundation surrounding an opening (20, Fig. 1) adjacent a building structure

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(22, Fig. 1), the frame having opposed triangular sidewalls (12, 14, Fig. 1) having a base (26, Fig. 1), vertical leg (vertical portion of side wall adjacent 22, Fig. 1), upper sloping surface (16, Fig. 1), end and inner and outer walls (Fig. 1) and a header plate (sloping portion of top adjacent 22, Fig. 1) connecting each sidewall, with the header plate and vertical leg adjacent the building structure (Fig. 1);

one or more polymer composite door leafs (40, 50, Fig. 1) hinged to the sidewalls (42, 44, Fig. 1) for movement between an elevated open position providing access to the opening and a closed position covering the opening (Shown open and closed in Fig. 1).

Snyder does not teach a polymer composite basement door comprising one or more through openings in one or both of the sidewalls and/or door leafs or other door assembly component; and one or more inserts in the through opening.

Vesey teaches a basement door comprising one or more through openings (13, Fig. 1) in one or both of the sidewalls and/or door leafs (11, Fig. 1) or other door assembly component; and one or more inserts in the through opening (20, 30, Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have created a polymer composite door with one or more through openings if such an opening was necessary in the design in order to provide a source for ventilation, light, or security measures.

Claim 2:

Snyder and Vesey teach the basement door of claim 1 (above), but they do not teach a basement door wherein the insert is a window.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have placed a window in the opening as Vesey states that the safety panel can be any material (Col. 4, lines 19-20). Also it would have been obvious to provide a window in the opening if a source of light was desired through the basement door.

Claim 4:

Snyder and Vesey teach a basement door of claim 1 (above), Snyder does not teach a basement door wherein the inserts may be changed without the use of tools.

Vesey teaches a basement door wherein the inserts (20,30) may be changed without the use of tools (Column 4 lines 40-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have created a system for changing the inserts in the door, which was more "user friendly". If it were possible to eliminate the use of tools when exchanging the inserts it would have been obvious to proceed with that design.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,428,925 to Snyder in view of USPN 6,668,487 to Vesey in further view of Pub. No. US 2003/0150569 A1 to Pylkki et al.

Snyder and Vesey teach the basement door of claim 1 (above), but they do not teach a basement door wherein the insert is a screen.

Pylkki et al. teaches wherein the insert is a screen (10,20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have placed a screen in the opening in the door if the screen was equipped with a frame and was suitable for that purpose. Also it would have been obvious to provide a screen in the opening in order to promote ventilation and light but to exclude insects.

Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,428,925 to Snyder in view of USPN 2,174,989 to Lyons.

Snyder teaches a polymer composite basement door comprising:

a polymer composite (Column 4 line 38) frame (10, Fig. 1) positioned on a foundation surrounding an opening (20, Fig. 1) adjacent a building structure (22, Fig. 1), the frame having opposed triangular sidewalls (12, 14, Fig. 1) having a base (26, Fig. 1), vertical leg (vertical portion of side wall adjacent 22, Fig. 1), upper sloping surface (16, Fig. 1), end and inner and outer walls (Fig. 1) and a header

plate (sloping portion of top adjacent 22, Fig. 1) connecting each sidewall, with the header plate and vertical leg adjacent the building structure (Fig. 1);

one or more polymer composite door leafs (40, 50, Fig. 1) hinged (42, 44, Fig. 1) to the sidewalls for movement between an elevated open position providing access to the opening and a closed position covering the opening (Shown open and closed in Fig. 1).

Snyder does not teach a polymer composite basement door comprising one or more accessible elongated longitudinal slotted through openings in the base for fastening the base to the foundation and one or more accessible through opening in the leg for fastening the leg to the structure or to an extender.

Lyons teaches one or more accessible elongated longitudinal slotted through openings in the base (elongated holes in base 23, Fig. 1) for fastening the base to the foundation and one or more accessible through opening in the leg (elongated holes in leg 22, Fig. 1) for fastening the leg to the structure or to an extender.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed elongated slots in the base and the legs where a connection to the foundation and structure is necessary in order to provide access space for the composite door to be able to expand and contract with difference in temperature along with providing extra space to install the composite door.

***Allowable Subject Matter***

Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-20 are allowed.

The following is an examiner's statement of reasons for allowance:

After examining the claims and performing a detailed search, independent claims 9, 11, and 15 all have an inventive step that was not found in prior art. In claims 9 and 15, the polymer composite basement door comprises a separate U-shaped header portion, which has opposing arms. This type of header is used to form a water gap that diverts water away from the basement door opening. This addition was not found in prior art. Independent claim 11 describes a polymer composite door, which comprises an extender that actually moves the composite door away from the actual structure of the building. This was also not found in prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."




**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Kwiecinski whose telephone number is (571)272-5160. The examiner can normally be reached on 9 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on (571)272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
RDK

  
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